

TITLE 16. MEDICAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Medical Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Embassy Suites Hotel, 1325 E Dyer Road, Santa Ana, CA 92705, at 9:00 a.m., on May 12, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on April 24, 2006 or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2018 and 2435 of the Business and Professions Code, and to implement, interpret or make specific Sections 2168.4 and 2435 of said Code, the Medical Board of California is considering changes to Article 15 of Chapter 1 of Division 13 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Section 1351.5 and Section 1352: Revenue Neutral Fee Changes to
Offset Loss of Investigative Cost Recovery

Senate Bill 231 (Chapter 674, Stats of 2005) amended B&P Code Section 2435 to set a fee of \$790 for the initial license fee and the biennial renewal fee. Previously, Section 2435 listed the maximum license fee and biennial renewal fee at \$610 and the Board, by regulation, adopted the actual fee which was charged for both, that being \$600.

This rulemaking would amend those sections which set forth the initial license fees and the biennial renewal fees by an amount equal to that income lost through the deletion of cost recovery, approximately \$15.50, as required by Section 125.3 (k). The objective is to ensure the fiscal solvency of the Board.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: Negligible. Only those agencies which employ physicians and surgeons and pay for the license or renewal fees will be impacted, but it would only be about \$15.50 per physician per year.

Nondiscretionary Costs/Savings to Local Agencies: None.

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: Negligible. The board has determined that the proposed regulatory action would have minimal economic impact on California business enterprises and individuals since the fee increase will only be about \$15.50 per physician per year.

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: 1) a review of the Medical Board's fund condition, and 2) an analysis of the revenue lost by the deletion of investigative cost recovery.

Impact on Jobs/New Businesses:

The Medical Board has determined that this regulatory proposal will not have any impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Medical Board estimates the potential cost impact of the proposed regulations on directly affected private persons or entities to be an increase of about \$31.00 every 2 years. This is an increase of about \$15.50 each year.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulation would affect small business because a few physicians and surgeons would meet the definition of a small business. However, the impact would only be \$15.50 per licensee per year.

The express terms of the proposed action written in plain English are available from the agency contact person named in this notice.

CONSIDERATION OF ALTERNATIVES

The Medical Board has determined that no reasonable alternative considered by it or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Medical Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the person designated in this Notice under Contact Person or by accessing the website listed below.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person designated in this Notice under Contact Person or by accessing the website listed below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the person designated in this Notice under Contact Person or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the substance of the proposed rulemaking may be addressed to:

Name: Kevin A. Schunke
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The backup contact person is :

Name: Linda Whitney
Address: Medical Board of California
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Website Access : Materials regarding this proposal can be found at www.medbd.ca.gov.